



CITY COUNCIL AGENDA
Thursday, October 17, 2019 – 5:30 p.m.
City Hall, 1225 6th Avenue, Marion, IA 52302

The meeting is being recorded. Any item listed on the agenda may be open to discussion by the City Council.

If you wish to address the City Council, please take a yellow card found at the end of the staff table and complete the card. When the mayor asks you to come forward to address the City Council, hand the card to the City Clerk. Please state your name and address before making any comments.

The Mayor and City Council welcome comments from the public; however, at no time is it appropriate to use profane, obscene, or slanderous language. The Mayor may limit each speaker to five minutes.

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL
MOMENT OF SILENCE

PROCLAMATIONS/OATHS
None

PRESENTATIONS – This section is for presentations from external entities regarding current council action and area projects and events.
None

PUBLIC FORUM - This section is for comments from the public on topics listed on the agenda not associated with a public hearing.

CONSENT AGENDA – This section includes routine items and will be enacted by one motion without separate discussion unless Council requests an item to be removed to be considered separately.

1. Motion to approve the Consent Agenda as follows:

A. Administrative Services

1. Motion to approve minutes of the October 1 and 3, 2019 City Council meetings.
2. Motion to approve the following liquor license applications:
 - a. Renewal – Mi Tierra – 835 7th Avenue
Class C Liquor License with additional privilege of Sunday Sales.
No violations in last five years.

- b. Renewal – Fareway Stores #949 – 3300 10th Avenue
Class E Liquor License with additional privileges of Class B Wind Permit and Class C Beer Permit. No violations in last five years.
 - c. Renewal - Hy-Vee Gas – 3550 Hwy 151
Class C Beer Permit with additional privilege of Sunday Sales. No violations in last five years.
3. Motion to receive and file September Department Monthly Reports.
 4. Motion to approve payments as presented in the amount of \$1,192,994.37.
 5. Resolution No. 28026 authorizing deferred compensation agreement (Mike Kitsmiller).
 6. Resolution No. 28027 adopting Final Assessment Schedule for Fiscal Year 2020 Quarter 2 Delinquent Fees and confirming and levying the assessments.

B. Public Services

1. Resolution No. 28028 approving partial payment No. 16 to A&J Associates for the Public Service Maintenance Facility in the amount of \$16,800.00 (FACS-17-069).

C. Public Safety – None

D. Parks

1. Resolution No. 28029 approving Partial Payment No. 3 to Septagon Construction Co. regarding the Lowe Park Maintenance Facility Addition Project in the amount of \$52,386.85. (FACS 18-019)
2. Resolution No. 28030 approving Partial Payment No. 8 to MSA Professional Services Inc. regarding the Lowe Park South End Development Project in the amount of \$3,325.00. (REC-17-050)

E. Engineering

1. Motion to approve Engineering Department project payments as follows:
 - a. Resolution No. 28031 approving Partial Payment No. 31 to Veenstra & Kimm, Inc. regarding the Indian Creek Trunk Sewer – Segment 7 Project in the amount of \$26,256.20. (SWR-17-026)

- b. Resolution No. 28032 approving Partial Payment No. 21 to Snyder & Associates regarding the 2018 Alburnett Rd Extension Phase 1 in the amount of \$13,578.50. (TRANS-18-092)
 - c. Resolution No. 28033 approving Payment to Stanley Consultants, Inc. for Soil Testing Services Regarding 6th Avenue from 13th Street to 27th Street in the amount of \$13,437.51. (TRANS-18-091)
 - d. Resolution No. 28034 approving Partial Payment No. 1 to Rapids Reproduction regarding bidding documents for the Fire Station #1 in the amount of \$4,059.92. (FACS-18-062)
- 2. Resolution No. 28035 accepting the 2019 Sidewalk Project. (ANN-18-105 & ANN-18-106)
 - 3. Resolution No. 28036 adopting final assessment schedule regarding the 2019 Sidewalk Project and amending, confirming and levying the assessments. (ANN-18-105 & ANN-18-106)

F. Community Development

- 1. Motion to receive, file and refer to the Planning and Zoning Commission:
 - a. Wildrye Farms First Addition Final Plat to Linn County for property located south of Highway 151 and west of Stone Road.
- 2. Resolution No. 28037 setting a public hearing for November 7, 2019 regarding the alley vacation for the north-south alley located between 27th and 28th Street and 11th & 12th Avenues. (Mark Christensen)

G. Library – None

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

- 2. Motion to approve the Consent Agenda with Mayor AbouAssaly's abstention from voting and discussion as follows:

A. Administrative Services – None

B. Public Services

- 1. Resolution No. 28038 approving partial payment No. 15 to Knapp Warden LLC for design services associated with the Eco Industrial Park Phase 1 in the amount of \$51,043.00 (FACS-17-069)

C. Public Safety – None

D. Parks

1. Resolution No. 28039 approving Partial Payment No.14 to Martin Gardner Architecture for professional services regarding the Lowe Park Maintenance Facility Addition Project in the amounts of \$612.00. (FACS-18-019)

E. Engineering

1. Resolution No. 28040 approving Partial Payment No. 1 to Abode Construction, Inc. regarding the 2274 5th Avenue Disposal Project in the amount of \$29,000.00. (TRANS-17-099)
2. Resolution No. 28041 accepting the 2274 5th Avenue Disposal Project. (TRANS-17-099)

F. Community Development – None

G. Library – None

REGULAR AGENDA

A. Administrative Services

1. Resolution No. 28042 approving service order # Q-00011530 with Involta, LLC for datacenter services (for traffic signal network) in the amount of \$71,687.04 for 36 months.
2. Resolution No. 28043 approving an amendment to Memorandum of Understanding (MOU) with Seven Hills East LLC.
3. Resolution No. 28044 approving FY20 Cooperative Agreement with the Iowa Civil Rights Commission for intake and resolution of civil rights complaints falling under the Iowa Civil Rights Act.

B. Public Services – None

C. Public Safety – None

D. Parks – None

E. Engineering

1. Motion to receive, file, discuss and concur with the TAC Report regarding a request for a speed limit decrease and a “Children at Play” sign(s) on Parkview Drive. (Beth Stafford, 1090 Parkview Drive)

F. Community Development

1. Resolution No. 28045 approving the Final Site Development Plan for the Holiday Inn Express & Suites for property located at 5993 Carlson Way. (Water Rock LLC)
2. Resolution No. 28046 approving Marion South Substation 1st Addition Preliminary Plat for property located north of Highway 100 and west of 44th Street, Marion, Iowa. (ITC Midwest LLC)
3. Resolution No. 28047 approving the Timberline MFG. Commercial 1st Addition Final Plat and Memorandum of Agreement for property located at 1029 Blairs Ferry Road. (Timberline Manufacturing Company Inc.)
4. Resolution No. 28048 approving changing the name of Alburnett Road between Boyson Road and Central Avenue to Central Avenue and renaming Central Avenue west of 5th Street to 12th Avenue. (City of Marion)
5. Ordinance No. 19-25 approving a rezoning request from R-5, Moderate Density Multiple Family Residential to PD-R, Planned Development Residential located at 356 and 376 9th Street and Lot 4, Block 42 Original Town, Marion, Iowa. (Seven Hills East, LLC) (Final Consideration)
6. Resolution No. 28049 approving purchase of property described on the attached Exhibit A, locally known as 2350 5th Avenue from Barron Rentals, LLC in the amount of \$7,450.90.
7. Resolution No. 28050 approving purchase of property described on the attached Exhibit A, locally known as 2201 7th Avenue, from QA Properties, LLC in the amount of \$66,746.00.

G. Library – None

OTHER DEPARTMENT DISCUSSION – This portion of the meeting is set aside for other department discussions, presentations, and updates not related to current council action.

None

PUBLIC FORUM – This time is set aside for comments from the public. Please understand that the City Council will not take any action on your comments at this meeting due to requirements of the Open Meetings Law, but may do so at a future meeting.

COUNCIL DISCUSSION – During this portion of the meeting, Council members may bring forward communications, concerns and reports on various matters.

CLOSED SESSION

1. Motion to adjourn to closed session regarding land acquisition as permitted under Section 21.5(1)(j) of the Code of Iowa.

ADJOURN